

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FOOD NOT BOMBS HOUSTON,]	
BRANDON WALSH,]	
Plaintiffs,]	
]	
v.]	C.A. No. 4:24-CV-338
]	
THE CITY OF HOUSTON, TEXAS,]	
Defendant.]	

ORAL AND VIDEOTAPED DEPOSITION OF

BRANDON WALSH

FEBRUARY 10, 2025

ORAL DEPOSITION OF BRANDON WALSH, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on the 10th of February, 2025, from 9:12 a.m. to 11:33 a.m., before Shawn Kelley, CSR No. 3448 in and for the State of Texas, by machine shorthand and computer-aided transcription, at 900 Bagby, 4th Floor, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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1 **A. Yes, sir, sorry, I'm very tired.**
2 Q. Okay. If you want to take a break at any time,
3 just let me know. We can take a break?
4 **A. I might need a five-minute, if that's okay. I**
5 **work nights.**
6 Q. Sure. Take a break now?
7 **A. Is that okay?**
8 MR. HIROSHIGE: Sure.
9 MR. SOH: Yeah, sure.
10 THE WITNESS: Yeah?
11 VIDEOGRAPHER: Okay. The time is 9:44 a.m.
12 We're off the record.
13 [Recess]
14 VIDEOGRAPHER: The time is 10:04 a.m. We're now
15 back on the record.
16 MR. SOH:
17 Q. Mr. Walsh, as a -- as someone who is a member of
18 Food Not Bombs and instrumental in their social media
19 work, are you familiar with the Food Not Bombs Houston
20 website?
21 **A. Uh-huh. Yes, sir.**
22 Q. Did you -- do you upload content to that website?
23 **A. No, sir.**
24 Q. Okay. But you have some familiarity with it?
25 **A. I know that we have a Houston-based website.**

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1 Q. Have you ever seen that website?
2 **A. One time at best.**
3 [Exhibit 11 marked, Food Not Bombs FAQs]
4 MR. SOH:
5 Q. Okay. Let me hand you what's been marked -- I'm
6 going to mark as Exhibit 11. This is something off the
7 Food Not Bombs -- okay. What I'll represent to you is
8 that the first page is the Food Not Bombs Houston
9 website, and there is a link about FAQs, frequently
10 asked questions, and then we printed out the frequently
11 asked questions, which I believe are the Food Not Bombs
12 national link, a link to the frequently asked questions
13 of the Food Not Bombs national website. All right? Do
14 you see that?
15 **A. This is the -- the big Food Not Bombs website,**
16 **like not just Houston.**
17 Q. I believe page 1 is Houston. If you look at the
18 top --
19 **A. Yeah.**
20 Q. -- it's Houston Food Not Bombs, and there's --
21 there's a link to frequently asked questions, and we
22 printed out the frequently asked questions page, and I
23 believe that is Food Not Bombs national, the frequently
24 asked questions. I'm just representing that to you. If
25 you disagree with me, please let me know.

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1 **A. I just wanted to understand.**
2 Q. Yeah.
3 **A. Thank you for clarifying.**
4 Q. My questions are going to be on frequently asked
5 question 1, --
6 **A. Uh-huh.**
7 Q. -- when you get a second.
8 **A. I'm ready when you are.**
9 Q. Okay. It says: Does Food Not Bombs get its food
10 from dumpsters? To be clear, it says: Food Not Bombs
11 does not get food out of dumpsters.
12 But if you go down further, about four lines,
13 okay, it says in some cities the groceries and bakeries
14 are not willing to help, and we may seek some of our
15 food from dumpsters, but this is not generally the case.
16 Do you see that?
17 **A. Yes, sir.**
18 Q. Okay. No. 1, has Food Not Bombs Houston ever
19 gotten any food out of dumpsters?
20 **A. No, sir, the groceries stores work with us.**
21 **It's --**
22 Q. Okay.
23 **A. -- very wonderful.**
24 Q. Would you agree with me that getting food out of
25 dumpsters is not a good idea?

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1 **A. I personally would not eat food out of a**
2 **dumpster, sir.**
3 Q. And it would be a -- it would -- it would
4 probably be not a good idea to serve food out of
5 dumpsters to an at-risk, homeless population, correct?
6 MR. HIROSHIGE: Objection, form.
7 **A. Again, I've never prepared food out of a**
8 **dumpster. I imagine that it would probably not be the**
9 **best choice.**
10 MR. SOH:
11 Q. It would probably not be a good idea to serve
12 that to your constituents who feed at -- at Food Not
13 Bombs Houston events, correct?
14 **A. Thankfully the grocery stores work with us.**
15 Q. But you agree with me that that's --
16 **A. Yes, sir.**
17 Q. -- it's not a good idea?
18 **A. Yeah.**
19 Q. Okay. Have you ever heard of any Food Not Bombs
20 city serving food that they got out of dumpsters?
21 **A. I only work with Food Not Bombs Houston. I'm not**
22 **aware of any.**
23 Q. Okay. Has anyone ever told you had that they got
24 bread or other products out of a dumpster at a Food Not
25 Bombs Houston event?

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<p>1 A. No, sir.</p> <p>2 Q. Okay. Let's go back to your declaration, sir.</p> <p>3 We were at paragraph 7, right? And I read you some</p> <p>4 sentences that were in that declaration before we took a</p> <p>5 break. Do you remember that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What is -- what is the basis of your protest</p> <p>8 against the City's treatment of unhoused people?</p> <p>9 A. That food is a human right, sir.</p> <p>10 Q. Okay. But have -- have -- has the City somehow</p> <p>11 improperly treated unhoused people?</p> <p>12 A. Can you rephrase the question?</p> <p>13 Q. I'm just using your -- I'm just using -- we're</p> <p>14 going to the first sentence here.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Food Not Bombs Houston events and my</p> <p>17 participation in them are a protest against the City's</p> <p>18 treatment of unhoused people.</p> <p>19 Are you with me?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What did you mean by the City's treatment of</p> <p>22 unhoused people in that sentence?</p> <p>23 A. I guess it would be the ordinance at that point.</p> <p>24 Q. Okay. So -- so did the -- when you wrote that,</p> <p>25 then, your participation is, in essence, a protest</p> <p style="text-align: right;">Page 41</p>	<p>1 I were to see it. In this example, I know for sure it's</p> <p>2 this ordinance.</p> <p>3 MR. SOH:</p> <p>4 Q. Anything else that come to mind besides the</p> <p>5 ordinance?</p> <p>6 A. Like in general with the City or --</p> <p>7 Q. These are your words, sir. I'm just trying to</p> <p>8 get clarification of them. Okay? So what are you</p> <p>9 protesting -- what are you protesting about specifically</p> <p>10 the City's treatment of unhoused people?</p> <p>11 MR. HIROSHIGE: Objection, form, vague.</p> <p>12 A. I mean we're essentially just protesting that we</p> <p>13 feel that food is a human right and that we have the</p> <p>14 right as citizens to feed fellow Houstonians if they're</p> <p>15 hungry.</p> <p>16 MR. SOH:</p> <p>17 Q. Okay. Anything else?</p> <p>18 A. Right now that is the current bit.</p> <p>19 Q. Okay. Then the -- in another two sentences down</p> <p>20 you say: The City perpetuates the very violence that</p> <p>21 puts unhoused people in their disadvantaged situation.</p> <p>22 Okay?</p> <p>23 A. This is on the end of 7?</p> <p>24 Q. It's further down on 7.</p> <p>25 A. On this third page or --</p> <p style="text-align: right;">Page 43</p>
<p>1 against the charitable feeding ordinance that's at issue</p> <p>2 in this lawsuit, correct?</p> <p>3 A. That would be one of the reasons, yeah.</p> <p>4 Q. What are the other reasons?</p> <p>5 A. I mean, just in general there is -- sorry, can I</p> <p>6 get the question one more time? I want to make sure I'm</p> <p>7 on the same page.</p> <p>8 Q. Sure. You said that your participation in Food</p> <p>9 Not Bombs Houston events -- okay? Is a protest against</p> <p>10 the City's treatment of unhoused people. And I would</p> <p>11 like to get an understanding of what City -- what</p> <p>12 specific City treatment of unhoused people that you are</p> <p>13 protesting against.</p> <p>14 A. Oh, okay. Cool. In this example, then, yeah, I</p> <p>15 would be agreeing that we would be speaking on the --</p> <p>16 the current suit of the charitable food service issue.</p> <p>17 Q. Okay. The charitable feeding ordinance at issue</p> <p>18 in this lawsuit?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Are there any other City of Houston -- or any</p> <p>21 other City treatment of unhoused people that you are</p> <p>22 protesting against?</p> <p>23 MR. HIROSHIGE: Objection, form, ambiguous.</p> <p>24 A. It is a bit ambiguous. I mean, there are plenty</p> <p>25 of things that I imagine that I would protest against if</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. Yeah, bottom of page 2.</p> <p>2 A. Okay.</p> <p>3 Q. The last full sentence. Meanwhile, the City</p> <p>4 perpetuates the very violence that puts unhoused people</p> <p>5 in their disadvantaged situation.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What do you mean by very violence?</p> <p>10 A. The violence of homelessness. Is there a better</p> <p>11 way that I could --</p> <p>12 Q. No, I didn't understand what you meant by that.</p> <p>13 So that's what I'm seeking clarification from you.</p> <p>14 A. Yeah, I mean the violence of somebody's on the</p> <p>15 street, and we don't have any programs to get them off</p> <p>16 the street. Being on the street in harm's conditions is</p> <p>17 very violent, sir.</p> <p>18 Q. Okay. But you're not talking about a beating or</p> <p>19 anything along those lines that you have personally</p> <p>20 witnessed, correct?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. So the -- the act of individuals being</p> <p>23 homeless in harsh conditions, that's what you're</p> <p>24 referring to as violence?</p> <p>25 A. The act of inaction is the violence.</p> <p style="text-align: right;">Page 44</p>

1 MR. HIROSHIGE: -- you're asking my client about
 2 members whose identities have not been publicly
 3 disclosed, then --
 4 THE WITNESS: Yeah.
 5 MR. HIROSHIGE: -- I would instruct my client not
 6 to answer. But to the extent you're asking about
 7 members who have been publicly disclosed, my client can
 8 answer.
 9 **A. One of the representatives that I've actually**
 10 **seen firsthand is Rebecca. She's gone and helped**
 11 **mothers who have been in domestic violence situations.**
 12 **I think last year there was one that was in -- like it**
 13 **was in the cold area, and she had a lot of kids, and the**
 14 **mother tried, you know, following what you're talking**
 15 **about, getting no success, but Rebecca was able to**
 16 **create a connection, from my understanding.**
 17 Q. Sure. Is there any formal programs that Food Not
 18 Bombs Houston has to have -- that help homeless people
 19 find housing?
 20 **A. I'm not currently aware.**
 21 Q. Okay.
 22 **A. I imagine there's a possibility, but as far as my**
 23 **volunteerism with Food Not Bombs, it does not include**
 24 **that topic.**
 25 Q. Okay. So -- and you mentioned Rebecca and having
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1 sort of an individualized assistance; is that correct?
 2 MR. HIROSHIGE: Objection, mischaracterizes
 3 testimony.
 4 MR. SOH:
 5 Q. Any other examples besides the Rebecca one that
 6 you gave earlier?
 7 **A. No, sir.**
 8 Q. And you're not aware presently of any formal Food
 9 Not Bombs Houston programs to provide housing assistance
 10 to homeless people, correct?
 11 **A. I am at least not involved with them, if there**
 12 **are any.**
 13 Q. Okay. But you don't know?
 14 **A. Yes, sir.**
 15 Q. Okay. Are there any formal programs at Food Not
 16 Bombs Houston to assist people to get Medicare or
 17 Medicaid or any other assistance through the Federal
 18 government?
 19 **A. Again, sir, I only know what I know.**
 20 Q. Right.
 21 **A. And it's not that topic currently, sir.**
 22 Q. All right. But you don't -- you're not aware of
 23 any?
 24 **A. Yes, sir.**
 25 Q. Okay.
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1 **A. I am not aware of any.**
 2 Q. All right. Are you aware of any people -- does
 3 Food Not Bombs Houston have any services to provide
 4 mental health assistance to the -- to the homeless
 5 population?
 6 **A. I think we're getting confused on what Food Not**
 7 **Bombs does.**
 8 Q. Okay.
 9 **A. Food Not Bombs serves food to people.**
 10 Q. I understand. I want -- but I want to know -- I
 11 don't want to -- I'm not fussing with you. I'm just
 12 trying to -- you're saying that the City doesn't do
 13 enough in your declaration, and I just want to know
 14 if -- you can have that opinion. I'm not going to hold
 15 it to you. I also -- but if you're going to have that,
 16 I want to know what Food Not Bombs does or doesn't do.
 17 **A. Food Not Bombs does the best to what they are**
 18 **capable of, which is --**
 19 Q. Okay.
 20 **A. -- feeding people.**
 21 Q. Right. But I just want to make it clear that
 22 they don't have resources -- other resources. Do you
 23 see where I'm going with this?
 24 **A. Yes, sir.**
 25 Q. Okay. Does Food Not Bombs have any specific
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1 programs designed to assist homeless people with mental
 2 health issues or mental health disabilities?
 3 **A. I can't speak for the group on that. I'm not**
 4 **sure. We might. I don't know.**
 5 Q. You're not aware of any?
 6 **A. No, sir, I'm not aware of any.**
 7 Q. Okay. Fair enough. Are you aware of any other
 8 programs, formal programs, that Food Not Bombs Houston
 9 has that would assist homeless people other than
 10 feeding?
 11 MR. HIROSHIGE: Objection, form, vague.
 12 **A. Again, I'm not aware, sir.**
 13 MR. SOH:
 14 Q. Okay. Fair enough. In the last sentence you
 15 write: By distributing food and raising awareness of
 16 the violent treatment of unhoused people, Food Not Bombs
 17 Houston protests the conditions that make unhoused
 18 people live in such destitute conditions without
 19 sufficient government support.
 20 Do you see that?
 21 **A. Yes, sir.**
 22 Q. Okay. What do you mean by sufficient government
 23 support?
 24 **A. I mean if someone has a health issue, it's very**
 25 **rare that they're actually seen. You know, I feel that**
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<p>1 sufficient support would be in the terms of, let's say,</p> <p>2 somebody got injured, they would then get help. They</p> <p>3 wouldn't have to wait and suffer.</p> <p>4 Q. Has Food Not -- are you aware of Food Not Bombs</p> <p>5 Houston doing anything to bridge this gap of a lack of</p> <p>6 government support that you perceive?</p> <p>7 MR. HIROSHIGE: Objection, form, vague.</p> <p>8 A. Not currently aware, sir.</p> <p>9 MR. SOH:</p> <p>10 Q. All right. Paragraph 9, you said: Because of my</p> <p>11 commitment to Food Not Bombs Houston's message, I intend</p> <p>12 to engage in similar activities in the future.</p> <p>13 You see that?</p> <p>14 A. Yes, sir.</p> <p>15 Q. My question to you is, is that if the Court were</p> <p>16 to uphold the charitable feeding ordinance that's at</p> <p>17 issue in this lawsuit, will you still feed at the</p> <p>18 library?</p> <p>19 A. Me personally?</p> <p>20 Q. Yes.</p> <p>21 A. In my future?</p> <p>22 Q. Yes.</p> <p>23 A. Only the future can tell, I suppose. If there's</p> <p>24 a reason for why I might feed somewhere else in the</p> <p>25 future, then there's that, but you're -- you're talking</p> <p style="text-align: right;">Page 53</p>	<p>1 stating to comply with the regulation and -- for food</p> <p>2 service, right?</p> <p>3 Q. Did you see that before -- did you see that --</p> <p>4 have you ever seen that sign before?</p> <p>5 A. I don't think I've seen this specific sign. I</p> <p>6 think they had a different sign at one point.</p> <p>7 Q. Have you had a sign that said the same --</p> <p>8 A. It is.</p> <p>9 Q. Do you recall seeing a sign that --</p> <p>10 A. Similar --</p> <p>11 Q. -- had a similar message?</p> <p>12 A. Yeah, similar message.</p> <p>13 Q. Okay. And where was that sign that you saw?</p> <p>14 A. I think that it's on one of the gates of the</p> <p>15 library near --</p> <p>16 Q. All right. And what is that sign giving you</p> <p>17 notice of, sir?</p> <p>18 MR. HIROSHIGE: Objection, calls for a legal</p> <p>19 conclusion.</p> <p>20 A. I mean, from my understanding the sign is -- is</p> <p>21 just stating what the ordinance is.</p> <p>22 MR. SOH:</p> <p>23 Q. Right. I mean, you see the top, it says notice,</p> <p>24 right?</p> <p>25 A. Uh-huh.</p> <p style="text-align: right;">Page 55</p>
<p>1 about the future.</p> <p>2 Q. Right. I mean, my question to you is that if the</p> <p>3 charitable feeding ordinance is upheld, do you intend on</p> <p>4 engaging in, let's say, civil disobedience and</p> <p>5 continuing to feed at the library?</p> <p>6 A. I'm not certain, sir.</p> <p>7 Q. You don't know one way or the other?</p> <p>8 A. No, sir.</p> <p>9 Q. Okay. I'm going to show you what's been</p> <p>10 previously marked as Exhibit 6. I'm sorry, I don't</p> <p>11 have -- I don't have a specific copy of that. It's the</p> <p>12 sign.</p> <p>13 A. Oh, did they change the sign?</p> <p>14 Q. I don't know. There's only one iteration of it,</p> <p>15 as far as I know.</p> <p>16 A. Is this at 61 Riesner, or is this at the library?</p> <p>17 Q. Library. It's the same sign. So let me ask you</p> <p>18 this. Exhibit 6, have you seen that before, sir?</p> <p>19 A. They had a different one, I think. It was blue.</p> <p>20 Q. Okay.</p> <p>21 A. But, I mean, this is the -- the food ordinance</p> <p>22 one, right?</p> <p>23 Q. Let me ask you that. Do you know what that is?</p> <p>24 Do you know what Exhibit 6 is?</p> <p>25 A. It's -- it appears to be a health department sign</p> <p style="text-align: right;">Page 54</p>	<p>1 Q. Is that correct?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Is that a yes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. All right. And it gives you the identity</p> <p>6 of the ordinance, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. All right. And that -- and it says if you do not</p> <p>9 comply with the rules and regulations beyond 7 p.m. on</p> <p>10 Friday, February 24th, 2023, you run the risk of</p> <p>11 violating the law.</p> <p>12 Do you see that?</p> <p>13 A. I do see it, sir, yes.</p> <p>14 Q. And so you saw this sign or something similar to</p> <p>15 that when you were at the library, correct?</p> <p>16 A. Which time?</p> <p>17 Q. Any time before February 24th, 2023?</p> <p>18 A. I haven't seen that specific sign before that</p> <p>19 time. Like I said, I think it was a different sign.</p> <p>20 Q. Okay. You saw -- fair to say you saw a sign</p> <p>21 giving you notice about the charitable feeding</p> <p>22 ordinance?</p> <p>23 MR. HIROSHIGE: Objection, calls for a legal</p> <p>24 conclusion.</p> <p>25 A. Yes, sir. Is this the same one that Annise</p> <p style="text-align: right;">Page 56</p>

<p>1 Parker put in?</p> <p>2 MR. SOH:</p> <p>3 Q. No.</p> <p>4 A. Okay. The ordinance, I mean.</p> <p>5 Q. Let's -- I -- let's -- let me just go refocus you</p> <p>6 on this question.</p> <p>7 A. Yeah, sorry.</p> <p>8 Q. Okay.</p> <p>9 A. I needed to be on the same --</p> <p>10 Q. No, no. Okay.</p> <p>11 A. -- page with you.</p> <p>12 Q. Sure. No, do you remember seeing this sign or a</p> <p>13 sign similar to that in February of 2023?</p> <p>14 A. I mean, they've had signs up, I imagine. I</p> <p>15 haven't seen this specific sign, --</p> <p>16 Q. Okay.</p> <p>17 A. -- but I imagine.</p> <p>18 Q. Do you recall ever seeing a sign warning you that</p> <p>19 you may be in violation of law if you don't comply with</p> <p>20 the charitable feeding ordinance?</p> <p>21 A. I believe so, sir, yes.</p> <p>22 Q. Okay. Fair enough. All right. Let's go back to</p> <p>23 your declaration. Okay? Paragraph 11: I fear that I</p> <p>24 will be criminalized under the anti-food sharing</p> <p>25 ordinance because I participate in Food Not Bombs</p> <p style="text-align: right;">Page 57</p>	<p>1 Q. Okay.</p> <p>2 A. -- never received one.</p> <p>3 Q. Paragraph 12, the second sentence: As explained,</p> <p>4 the core message I communicate as a Food Not Bombs</p> <p>5 Houston member is that the City is not doing enough to</p> <p>6 care for unhoused people and that our communities can do</p> <p>7 more to meet their needs through direct mutual aid.</p> <p>8 Do you see that?</p> <p>9 A. Yes, sir, I do.</p> <p>10 Q. What do you mean by direct mutual aid?</p> <p>11 A. I guess an example would be when we were talking</p> <p>12 about the Medicare stuff or Medicaid. I can't remember</p> <p>13 which one you said was for --</p> <p>14 Q. Sure.</p> <p>15 A. -- everyone, but you said it met a certain level</p> <p>16 of, you know, steps. Direct mutual aid wouldn't need a</p> <p>17 certain metal of steps. If someone was in pain, hunger</p> <p>18 or trouble, we would just help them.</p> <p>19 Q. And so who would provide the mutual aid? That's</p> <p>20 what I'm confused about.</p> <p>21 A. The mutual aid groups.</p> <p>22 Q. Such as?</p> <p>23 A. Food Not Bombs is a mutual aid group.</p> <p>24 Q. Okay. Okay. So when you write this, you're</p> <p>25 saying that the City is not doing enough for unhoused</p> <p style="text-align: right;">Page 59</p>
<p>1 Houston events where we serve food to more than five --</p> <p>2 where we serve food to more than five unhoused people.</p> <p>3 Do you see that, paragraph 11?</p> <p>4 A. Yes, sir, I do.</p> <p>5 Q. Have you ever received a citation under the</p> <p>6 anti-food sharing ordinance?</p> <p>7 A. No, sir, I have not.</p> <p>8 Q. Okay. Have you ever been arrested?</p> <p>9 A. No, sir, I --</p> <p>10 Q. Okay.</p> <p>11 A. -- have not.</p> <p>12 Q. All right. Have you witnessed other members of</p> <p>13 Food Not Bombs Houston being cited?</p> <p>14 A. For the ordinance?</p> <p>15 Q. Yes.</p> <p>16 A. Yes, sir, I have.</p> <p>17 Q. Okay. How many?</p> <p>18 A. Different or in general?</p> <p>19 Q. How many different people?</p> <p>20 A. I'm not sure on different people.</p> <p>21 Q. How many times have you seen someone receive a</p> <p>22 citation?</p> <p>23 A. Quite a few. At least 20 to 30.</p> <p>24 Q. Okay. But you never received one?</p> <p>25 A. No, sir, I have --</p> <p style="text-align: right;">Page 58</p>	<p>1 peoples -- for our unhoused people, right? We've gone</p> <p>2 over that previously, correct?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Correct? Yes?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And it says that our communities can do more to</p> <p>7 meet their needs through direct mutual aid. So you're</p> <p>8 saying that organizations such as Food Not Bombs could</p> <p>9 do more --</p> <p>10 MR. HIROSHIGE: Objection, mischaracterizes --</p> <p>11 MR. SOH:</p> <p>12 Q. -- to fill --</p> <p>13 MR. HIROSHIGE: -- testimony.</p> <p>14 MR. SOH:</p> <p>15 Q. -- the void that the City is not doing? Is that</p> <p>16 what -- is that what you're --</p> <p>17 MR. HIROSHIGE: Objection, --</p> <p>18 MR. SOH:</p> <p>19 Q. -- what this sentence is?</p> <p>20 MR. HIROSHIGE: -- mischaracterizes testimony.</p> <p>21 A. Can I get your question again --</p> <p>22 MR. SOH:</p> <p>23 Q. Sure.</p> <p>24 A. -- so I can understand --</p> <p>25 Q. I guess -- I mean, you know, we've gone over your</p> <p style="text-align: right;">Page 60</p>

<p>1 Q. Okay. Have you seen -- at the conclusion of a</p> <p>2 Food Not Bombs event, have you seen garbage collected</p> <p>3 like this in areas near the library?</p> <p>4 A. Define that question better, sir, I'm sorry.</p> <p>5 Q. Sure. In the Food Not Bomb events that you've</p> <p>6 participated in --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- have you seen garbage on the streets or the</p> <p>9 sidewalk in a manner similarly depicted to Exhibit 12?</p> <p>10 Have you ever seen that?</p> <p>11 A. Not recently in my time, sir, I'm sorry.</p> <p>12 Q. Ever?</p> <p>13 A. I'm not certain of ever.</p> <p>14 Q. Okay.</p> <p>15 A. Do you know when this was taken?</p> <p>16 Q. I think it was 2023. I can get the date later.</p> <p>17 But have you -- my question is have you ever seen --</p> <p>18 have you ever seen trash left after a Food Not Bombs</p> <p>19 Houston feeding at the library?</p> <p>20 A. Not -- not me personally, sir, I'm sorry.</p> <p>21 Q. Is that acceptable to you, that -- the situation</p> <p>22 depicted in Exhibit 12, is that acceptable to you?</p> <p>23 A. I would personally, you know, strive for better,</p> <p>24 for sure.</p> <p>25 Q. Okay. And you would agree that it's not a good</p> <p style="text-align: right;">Page 65</p>	<p>1 assistance devices, correct? You serve that population?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. Let me hand you what's marked as</p> <p>4 Exhibit 13. All right. In these group of pictures, I</p> <p>5 mean, you are portrayed in some of these pictures,</p> <p>6 correct?</p> <p>7 A. Yes, sir, I am.</p> <p>8 Q. I see your -- the distinctive -- your hair. I</p> <p>9 can -- I recognize you from your hair. All right. You</p> <p>10 see these pictures, sir?</p> <p>11 A. Yes, sir.</p> <p>12 Q. They appear to be from Food Not Bombs Houston</p> <p>13 feedings, correct?</p> <p>14 A. Uh-huh. Yes, sir.</p> <p>15 Q. And they -- they -- they look like -- you're</p> <p>16 in -- you're in several of these, and there's a decent</p> <p>17 amount of daylight. So I'm guessing they're in the</p> <p>18 summer at some point in time. Do you agree with that?</p> <p>19 A. Do you know the exact date?</p> <p>20 Q. I can look that up, but I don't have it in front</p> <p>21 of me.</p> <p>22 A. Okay.</p> <p>23 Q. But daylight summer, given the time that -- when</p> <p>24 you feed, correct?</p> <p>25 A. I could say daylight confidently.</p> <p style="text-align: right;">Page 67</p>
<p>1 idea to leave -- would you agree with me that it's not a</p> <p>2 good idea to leave garbage and food out on a city</p> <p>3 sidewalk after a feeding event?</p> <p>4 A. Like as pictured?</p> <p>5 Q. Yes.</p> <p>6 A. I suppose so, yes, sir.</p> <p>7 Q. Okay. Fair enough. Go to paragraph 17. It</p> <p>8 says: Further, many of the people we share food with</p> <p>9 live near the library and use wheelchairs, canes and</p> <p>10 other mobility assistance devices.</p> <p>11 Do you see that?</p> <p>12 A. Yes, sir.</p> <p>13 [Exhibit 13 marked, four photographs]</p> <p>14 MR. SOH:</p> <p>15 Q. All right. I'm going to hand you a series of</p> <p>16 pictures marked as Exhibit 13. Okay?</p> <p>17 MR. HIROSHIGE: Ken, would it be possible to mark</p> <p>18 each photo separately just so we know which one or that</p> <p>19 you could just say the Bates number so we know which</p> <p>20 pictures you're referring to?</p> <p>21 MR. SOH: Sure.</p> <p>22 Q. Exhibit 13 will be Bates numbers FNB 10422,</p> <p>23 10547, 10553 and 10623. So as a Food Not Bombs Houston</p> <p>24 member, you are sensitive to individuals that use</p> <p>25 wheelchairs, walkers, canes and other mobility</p> <p style="text-align: right;">Page 66</p>	<p>1 Q. Okay.</p> <p>2 A. I couldn't say season.</p> <p>3 Q. All right. Do you believe that the -- that the</p> <p>4 judge's order in this case allowing you to feed at the</p> <p>5 library allows Food Not Bombs Houston to block the</p> <p>6 wheelchair handicap ramp that's depicted in those some</p> <p>7 of those photos?</p> <p>8 MR. HIROSHIGE: Objection, calls for a legal</p> <p>9 conclusion, and objection, calls for speculation.</p> <p>10 A. Can I get the question again?</p> <p>11 MR. SOH:</p> <p>12 Q. Yeah.</p> <p>13 A. I'm sorry.</p> <p>14 Q. Do you believe that the order signed by the judge</p> <p>15 in this case allowing feedings at the Houston public</p> <p>16 library allows Food Not Bombs Houston to block the</p> <p>17 wheelchair ramp that's depicted in some of those photos?</p> <p>18 MR. HIROSHIGE: Object, calls for a legal</p> <p>19 conclusion, calls for speculation.</p> <p>20 A. What is the ramp used for?</p> <p>21 MR. SOH:</p> <p>22 Q. It's the wheelchair handicap accessibility</p> <p>23 entrance to the library.</p> <p>24 MR. HIROSHIGE: Objection, form. It's not a</p> <p>25 question.</p> <p style="text-align: right;">Page 68</p>

1 Q. Let -- do you believe that the Julia -- that
2 the -- do you believe that the handicap ramp for the
3 Julia Ideson Building should be kept clear at all times,
4 including a Food Not Bombs feeding?
5 MR. HIROSHIGE: Objection, form, vague.
6 Objection, calls for a legal conclusion.
7 **A. Maybe not at all times, because, you know, they**
8 **close the library --**
9 MR. SOH:
10 Q. Uh-huh.
11 **A. -- and then they have events.**
12 Q. Okay. Do you believe that the -- that the ramp
13 should be kept clear whenever there is an event at the
14 Julia Ideson Building --
15 MR. HIROSHIGE: Objection, calls for --
16 MR. SOH:
17 Q. -- during a Food Not Bombs feeding?
18 MR. HIROSHIGE: Objection, calls for a legal
19 conclusion.
20 **A. I believe it's the duty of members of Food Not**
21 **Bombs to make the ramp accessible to those who need it.**
22 Q. Fair enough. That's all I'm asking.
23 **A. Yeah.**
24 Q. All right.
25 MR. HIROSHIGE: Can we --

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1 MR. SOH: You want to take a break.
2 MR. HIROSHIGE: -- take a break?
3 MR. SOH: Yeah, sure, take break. I don't
4 have -- I've got maybe another hour.
5 MR. HIROSHIGE: I don't want to break --
6 MR. SOH: No.
7 MR. HIROSHIGE: -- if it --
8 MR. SOH: We're off.
9 VIDEOGRAPHER: The time is -- the time is
10 10:49 a.m. We're off the record.
11 [Recess]
12 VIDEOGRAPHER: The time is 11:07 a.m. We're now
13 back on the record.
14 MR. SOH:
15 Q. All right, Mr. Walsh, I only have about 15 or 20
16 more minutes of questions for you. So we'll be out of
17 here well before lunch. A couple quick questions. Have
18 you ever seen -- have you ever witnessed a fight during
19 a Food Not Bombs feeding event?
20 **A. Like a physical altercation?**
21 Q. Whatever you want to use, fight, whatever you
22 describe as a fight.
23 **A. Sure, yes, sir.**
24 Q. Okay. How many times?
25 **A. Maybe once or twice.**

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1 Q. Okay. Did the police come in and separate the
2 people who are engaging in the fight?
3 **A. No, sir.**
4 Q. Okay. What happened?
5 **A. Well, the people that we serve are our friends,**
6 **and we usually know these people, and the right people**
7 **will talk to them and, you know, dissolve the fight,**
8 **usually.**
9 Q. Okay. Have you ever seen anyone at a Food Not
10 Bombs Houston event at the library urinate in public?
11 **A. No, sir.**
12 Q. Okay. Have you ever seen anyone in a Food Not
13 Bombs Houston event defecate during or after the event?
14 **A. Not to my witness, sir.**
15 Q. Okay. Have you ever -- have you seen Food Not --
16 the people who Food Not Bombs Houston serves grab bricks
17 or rocks off of the sidewalk and put them in line to
18 save their spot in line?
19 **A. No, sir.**
20 Q. Okay. How do people at Food Not Bombs Houston's
21 feeding events save their place in line?
22 **A. We do a numbering system, sir.**
23 Q. Okay. How? Explain that to me.
24 **A. We'll have a bunch of premade numbers, one to**
25 **whatever, and they would then get their number on a**

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1 **first come first serve basis. That holds their place in**
2 **line and ensures that if they -- you know, let's say**
3 **they need to sit down or want to -- maybe they've got a**
4 **later number, they're just going to relax until their**
5 **number gets called.**
6 [Exhibit 14 marked, Order]
7 MR. SOH:
8 Q. Okay. I'm going to hand you what's marked
9 Exhibit 17. Judge Hanen's order isn't already in this
10 binder, is it?
11 **A. Did we go past 14?**
12 Q. No, wait, 14, sorry. I looked at the wrong --
13 lifted the wrong label.
14 **A. Sorry.**
15 MR. HIROSHIGE: I -- I don't believe it was.
16 MR. SOH:
17 Q. Okay. Let me show you --
18 **A. What was the question?**
19 Q. No, no, no question.
20 MR. HIROSHIGE: You're good, you're good. We're
21 just --
22 MR. SOH: All right.
23 MR. HIROSHIGE: -- figuring out numbers.
24 MR. SOH:
25 Q. We're just figuring it out.

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1 **A. Appreciate it.**
2 Q. Handing you Exhibit 14, which I'll represent to
3 you is the order signed by Judge Hanen on February 14th,
4 2024. Okay?
5 **A. Uh-huh. Yes, sir.**
6 Q. Have you ever seen this before?
7 **A. I've not physically held it, but I -- I'm aware**
8 **of it.**
9 Q. Okay. Someone told you about it?
10 **A. Yes, sir.**
11 Q. Okay. My questions are going to be on page 14
12 and 15. So if you'd take a chance to look. Just read
13 it over when you get a chance. Okay?
14 **A. The whole thing or 14 and --**
15 Q. 14 --
16 **A. -- 15?**
17 Q. -- and 15.
18 **A. Yes, sir.**
19 Q. After IV where it says bond all the way through
20 the judge's signature. Take a -- take a second to read
21 it.
22 **A. Yes, sir.**
23 Q. Okay. We had a -- I asked you some previous
24 questions about the bond. So you're aware that there
25 was a bond that Food Not Bombs Houston had to pay,

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1 correct?
2 **A. Yes, sir.**
3 Q. So let me ask you this question. The first
4 bullet point on page 15, it says Food Not Bombs Houston
5 are to and it says bring adequate trash receptacles to
6 the event, ensure that all waste and receptacles are
7 removed following the event.
8 Do you see that?
9 **A. Yes, sir, I do.**
10 Q. Do you have any problem with that, with doing
11 that?
12 MR. HIROSHIGE: Objection, form, vague.
13 **A. For the \$2500 condition?**
14 MR. SOH:
15 Q. Yeah.
16 **A. I suppose not, sir.**
17 Q. Is it -- is it a -- don't you think it's a good
18 idea if you're going to have a charitable feeding event
19 to bring trash receptacles and ensure that all waste and
20 receptacles are removed after the event?
21 **A. I think that's a reasonable thing, sir, yeah.**
22 Q. Okay. How about providing hand washing stations,
23 hand sanitizer and hand wipes to all attendees, is that
24 a reasonable condition for a charitable feeding event?
25 **A. I think cleanliness is important, sir, and I**

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1 **think that would be reasonable.**
2 Q. Okay. You think it's reasonable to have people
3 avoid congregating on sidewalks and streets so as to
4 block a sidewalk and a street? Is that reasonable for a
5 charitable feeding event?
6 **A. Within reason, sir, yeah.**
7 Q. Okay. And do you think it's reasonable that all
8 food handling members attend a free virtual training on
9 food safety?
10 **A. Sure, yes, sir.**
11 Q. Have you ever attended the food safety training?
12 **A. Not the free one, sir.**
13 Q. Okay. You did some videos about going to 61
14 Riesner --
15 **A. Yes, sir.**
16 Q. -- and testing the porta potties. Do you
17 remember those?
18 **A. Yes, sir, I do.**
19 Q. Okay. We can play them for you if you'd like to,
20 but do you have a pretty good recollection of those
21 videos?
22 **A. Yes, sir, I do.**
23 Q. Okay. Is it -- is it your belief that those
24 porta potties should be open 24/7?
25 MR. HIROSHIGE: Objection, calls for a legal --

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1 MR. SOH: Let me --
2 MR. HIROSHIGE: -- conclusion.
3 MR. SOH: -- rephrase that question.
4 Q. Is it your -- in the series of videos that you
5 did where you went to 61 Riesner and examined the porta
6 potties, is it your belief that the porta potties should
7 be open 24 hours a day, seven days a week?
8 MR. HIROSHIGE: Objection, calls for a legal
9 conclusion.
10 **A. Based on the requirements, not this bond**
11 **requirement, but the requirements of what the City was**
12 **proposing, I was challenging if they followed their own**
13 **rules.**
14 MR. SOH:
15 Q. Okay. No, I understand that. And we can play it
16 if you want to. If you want to be refreshed, I could
17 play it for you if you want to see it again or if you
18 are --
19 **A. I remember it.**
20 Q. Okay. My -- my point is that do you believe that
21 those porta potties at 61 Riesner need to be open
22 24 hours a day seven days a week?
23 MR. HIROSHIGE: Objection, calls for a legal
24 conclusion.
25 **A. Based on the representative of, you know, the**

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FOOD NOT BOMBS HOUSTON,
BRANDON WALSH,
Plaintiffs,

v.

THE CITY OF HOUSTON, TEXAS,
Defendant.

C.A. No. 4:24-CV-338

REPORTER'S CERTIFICATION

DEPOSITION OF BRANDON WALSH

FEBRUARY 10, 2025

I, Shawn Kelley, Certified Shorthand Reporter
No. 3448 in and for the State of Texas, hereby certify
to the following:

That the witness, BRANDON WALSH, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
February 18th, 2025, to Randall Hiroshige,
attorney for Plaintiffs, for examination, signature, and
return to the offices of Nell McCallum & Associates,
Inc., by MARCH 18th, 2025.

That the amount of time used by each party at the
deposition is as follows:

NELL MCCALLUM & ASSOCIATES, INC.

1 Kenneth Soh - (1 hour, 32 minutes)

2 That pursuant to information given to the
3 deposition officer at the time said testimony was taken,
4 the following includes all parties of record:


5 Randall Hiroshige and Travis Fife, Attorneys for
6 the Plaintiffs Food Not Bombs Houston and Brandon Walsh

7 Randall Kallinen, Attorney for the Plaintiff
8 Phillip Picone

9 Kenneth Soh and Natoya Inglis, Attorneys for the
10 Defendant

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties in the
13 action in which this proceeding was taken, and further
14 that I am not financially or otherwise interested in the
15 outcome of the action.

16 Certified to by me this 7th day of MARCH,
17 2025.

18
19 
20 Shawn Kelley, Texas CSR No. 3448
21 Expiration Date: 1/31/24
22 Nell McCallum & Associates
23 Firm Registration No. 10095
24 Expiration Date: 1/31/25
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